

DEPARTMENT OF TRANSPORTATION

Amendment and Compilation of Chapter 19-150
Hawaii Administrative Rules

Date

SUMMARY

1. Sec. 19-150-1, 19-150-2, 19-150-3, 19-150-4,
19-150-5, 19-150-6, 19-150-7, 19-150-8,
19-150-9, 19-150-10, 19-150-11, 19-150-12
19-150-13, 19-150-14 are amended.
2. Sec. 19-150-15 is repealed.
3. Chapter 150 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 19
DEPARTMENT OF TRANSPORTATION

SUBTITLE 6
STATEWIDE TRANSPORTATION PLANNING OFFICE

CHAPTER 150
"PARKING FOR PERSONS WITH DISABILITIES"

Sec. 19-150-1	Purpose and Scope
Sec. 19-150-2	Interpretation
Sec. 19-150-3	Severability
Sec. 19-150-4	Definitions
Sec. 19-150-5	Processing of the disabled persons parking permit applications
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Sec. 19-150-8	Returning of parking permits and ID cards
Sec. 19-150-9	Parking privileges
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Sec. 19-150-11	Nontransferability
Sec. 19-150-12	Penalties
Sec. 19-150-13	Reciprocity
Sec. 19-150-14	Grandfather clause

Sec. 19-150-1 Purpose and scope. The purpose of these rules is to establish a uniform parking system to enhance access and the safety of persons with disabilities which limit or impair the ability to walk and to conform to 23 CFR Part 1235 (April 10, 1991) and 1992 Hawaii Session Laws, Act 46. [Eff 12/31/84; am and comp APR 18 1994] (Auth: HRS Sec. 291-56) (Imp: Act 46, HSL 1992; 23 CFR Part 1235)

Sec. 19-150-2

Sec. 19-150-2 Interpretation. These rules shall be construed liberally and consistent with the purpose stated in section 19-150-1. [Eff 12/31/84; am and comp APR 18 1994] (Auth: HRS Sec. 291-56) (Imp: Act 46, HSL 1992; 23 CFR Part 1235)

Sec. 19-150-3 Severability. These rules are declared to be severable and if any portion or the application thereof to any person, circumstance, or property is held invalid for any reason, the validity of the remainder of these rules or the application of the remainder to other persons, circumstances, or property shall not be affected. [Eff 12/31/84; am and comp] (Auth: HRS Sec. 291-56) (Imp: Act 46, HSL 1992; 23 CFR Part 1235) APR 18 1994

Sec. 19-150-4 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

"Certificate of disability" means a form designed by the state department of transportation and signed by a licensed practicing physician who verifies that the person is a person with a disability or a disabled person as defined in Hawaii Revised Statutes (HRS), section 291-51 and this chapter, which limits or impairs the ability to walk. This form must accompany any requests for a parking permit for a disabled person.

"Disabled person" or "person with disability" means a person with a disability which limits or impairs the ability to walk, and who, as determined by a licensed practicing physician:

- (1) Cannot walk two hundred feet without stopping to rest due to a diagnosed arthritic, neurological, or orthopedic condition;
- (2) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assisting device;
- (3) Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- (4) Uses portable oxygen; or
- (5) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association, 1964 6th Edition, Boston Little Brown and Company.

"Enforcement officer" means a police officer of the county or a private security guard.

"International Symbol of Access" means the symbol adopted by the Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled.

"Issuing agency" means county agencies authorized by the state department of transportation to process and issue disabled person applications and parking permits on its behalf.

"Legal resident of the State of Hawaii" means one who is domiciled in the State of Hawaii.

"Licensed practicing physician" means a doctor of medicine and surgery or osteopathy as defined in the HRS, chapters 453 and 460 whether in private practice or governmental service.

"Parking permit" means the removable windshield placard, temporary removable windshield placard, or special license plates.

"Parking space reserved for disabled persons" means a parking space which is: Publicly owned, metered or unmetered; reserved for the parking of a motor vehicle driven by or for

a disabled person or persons; and clearly indentified, by signs and markings, for the parking of a motor vehicle carrying a disable person.

"Placard" means the removable windshield placard or temporary removable windshield placard.

"Removable windshield placard" means a two-sided, hanger-style placard issued to a person who has been certified with a disability which is permanent in accordance with HRS, section 291-51, and which includes on each side:

- (1) The International Symbol of Access, which is at least three inches in height, centered on the placard, and is white on a blue shield;
- (2) An identification number;
- (3) A date of expiration; and
- (4) The seal of the State of Hawaii.

"Special license plates" means license plates issued, upon request, to a person who has been certified with a disability which is permanent in accordance with HRS, section 219-51, that displays the International Symbol of Access:

- (1) In a color that contrasts to the background; and
- (2) In the same size as the letters and numbers on the plate.

"Temporary removable windshield placard" means a two-sided, hanger-style placard, issued to a person who has been certified with a temporary disability up to a period of six months and includes on each side:

- (1) The International Symbol of Access, which is at least three inches in height, entered on the placard, and is white on a red shield;
 - (2) An identification number;
 - (3) A date of expiration;
 - (4) The seal of the State of Hawaii; and
 - (5) Silhouetted with the work "TEMPORARY". [Eff 12/31/84; am and comp] (Auth: HRS Sec. 219-51)
- (Imp: Act 46, HSL 1992; 23 CFR Part 1235)

Sec. 19-150-5 Processing of the disabled persons parking permit applications. The following provisions shall govern the application process for removable windshield placards, temporary removable windshield placards, special license plates, and identification cards to "persons with disabilities":

- (1) In order to be considered for issuance of a parking permit and identification card, an applicant must present a completed application to the issuing agency on the island of the applicant's residency. This form shall be provided to the applicant by the issuing agency. The certificate of disability section of the form shall be completed by a licensed practicing physician who shall certify that the applicant is a person with a disability which limits or impairs the ability to walk in accordance with HRS, section 291-51, and this chapter.
- (2) Reasons for which an application may be rejected, shall include but not be limited to:
 - (A) Any portion of the application or certificate of disability is illegible or incomplete; or
 - (B) There are discrepancies within any portion of the application or certificate of disability which may indicate fraudulent tampering.
- (3) The following disabilities in and of themselves do not qualify a person as being a person with a disability which limits or impairs the ability to walk unless a licensed practicing physician endorses and justifies that the applicant is a disabled person:
 - (A) Persons who have a visual problem;
 - (B) Persons who have a mental illness;
 - (C) Persons who are old; or
 - (D) Persons who are infants.

and comp APR 18 1994 [Eff: 12/31/84; am
46, HSL 1992; 23 CFR Part 1235] (Auth: HRS Sec. 291-56) (Imp: Act

Sec. 19-150-6 The issuance of disabled persons parking permits. (a) Before being issued a parking permit, each applicant must be a disabled person or person with a disability as defined in the HRS, section 291-51, and this chapter. The applicant shall present proof of being the person named on the application form. In addition:

- (1) Persons who have been certified with disabilities which are permanent shall present proof of being a legal resident of the State of Hawaii by providing one of the following:
 - (A) Current State of Hawaii driver license;
 - (B) State of Hawaii ID;
 - (C) Evidence of State of Hawaii voter registration;
 - (D) State of Hawaii, Tax Clearance Certificate of Residency Status; or
 - (E) Valid military ID by active military personnel who are stationed in the State of Hawaii.
 - (2) Each applicant who has been determined to be permanently disabled by a licensed practicing physician shall:
 - (A) Upon payment of an appropriate application fee as may be required by the county, be issued a removable windshield placard, effective for a maximum period of four years;
 - (B) Be issued an identification card identifying the applicant as a person with a disability which limits or impairs the ability to walk; and
 - (C) Upon request and payment of an appropriate application fee as may be required by the county, be issued a second removable windshield placard to applicants who do not have special license plates effective for a maximum period of four years.
 - (3) Every person with a disability who wishes to make an application for a parking permit or special license plates must make the application in person unless the applicant's certificate of disability states that for medical reasons, the applicant is unable to apply in person and may authorize another person to make the application in his or her stead.
- (b) Upon request and presentation of an approved application, each county shall issue special license plates which:
- (1) Assures that the vehicle is registered in the permittee's name and used primarily to transport the permittee;
 - (2) Costs not more than the fee charged for similar license plates for the same class vehicle;

and

- (3) At the end of four years, the special license plates shall expire and the permittee shall resubmit a completed application except that a certification of disability is not required if the permittee was deemed to be permanently disabled during the initial application.

Before issuing special license plates, the county director of finance shall confirm that the applicant is the registered owner of the vehicle.

- (c) Each applicant who has been determined to be temporarily disabled by a licensed practicing physician shall:

- (1) Be charged an appropriate application fee as may be required by the county for each temporary removable windshield placard and issued an ID card with the word "temporary" silhouetted conspicuously on the face of the card;

- (2) Be issued a temporary removable windshield placard valid for a maximum of six months from the date of issuance of a certificate of disability; and

- (3) Upon request and payment of an appropriate application fee as may be required by the county, be issued a second temporary removable windshield placard which has the same expiration date as the original. [Eff 12/31/84; am and comp

(Auth: HRS Sec. 291-52) (Imp: Act 46, HSL 1992; 23 CFR]
Part 1235)

Sec. 19-150-7 Request for replacement of lost, stolen, or mutilated removable windshield placard or special license plates. To replace a parking permit or identification card that has been either lost, stolen, or mutilated, the disabled person shall:

- (1) Submit a request for replacement, in writing to the appropriate county agency, stating the permit number, and the date the permit, placard or license plate was stolen, lost, or mutilated. In the event special license plates are stolen, a police report must accompany the request for replacement;
- (2) Submit a new completed Disabled Persons Parking Permit application with the replacement requirements being identical to those governing the initial application except that a certification of disability is not required if the disabled person has once been certified as being permanently disabled;
- (3) Surrender any remaining items relating to the current parking permit to the issuing agency; and
- (4) Pay the costs and fees as required by the issuing agency. [Eff 12/31/84; am and comp
] (Auth: HRS Sec. 291-56) (Imp: Act 46, HSL 1992; 23 CFR Part 1235)

Sec. 19-150-8 Returning of parking permits and ID cards. (a) The removable windshield placard, temporary removable windshield placard, and identification card are the property of the issuing agency and shall be returned to the issuing authority upon:

- (1) Permit application expiration;
 - (2) Death of the permittee; or
 - (3) Permittee is no longer qualified per HRS, section 291-51.
- (b) Special license plates shall be returned by the disabled person to the county department of finance:
- (1) Prior to the transfer of ownership of a vehicle to another party. The transfer of ownership for a vehicle shall not be recorded until the special license plates assigned to that vehicle have been replaced or returned to the county department of finance;
 - (2) Upon its expiration;
 - (3) When the person no longer meets HRS, section 291-51 requirements; or
 - (4) Upon death of the permittee. [Eff 12/31/84; am and comp APR 18 1994] (Auth: HRS Sec. 291-56) (Imp: Act 46, HSL 1992; 23 CFR Part 1235)

Sec. 19-150-9 Parking privileges. (a) Only a vehicle displaying a special license plate, removable windshield placard, or temporary removable windshield placard may be able to park in a public or private parking space reserved for disabled persons, subject to applicable requirements of the space and the limitations of subsection (b).

(b) A vehicle displaying a special license plate, removable windshield placard, or temporary removable windshield placard may park:

- (1) Without payment or any parking meter fees, in a public metered parking space reserved for disabled persons.
- (2) In any other publicly owned parking space, without payment of (A) parking fees for the first two-and-a-half hours in an unmetered lot, or (B) parking meter fees for the first two-and-a-half hours or the maximum time the meter allows, whichever is longer, in a metered parking lot.

Nothing in this subsection shall entitle any disabled person to park in a space reserved for someone other than a disabled person. [Eff 12/31/84; am and comp] (Auth: HRS Sec. 291-55) (Imp: Act 46, HSL 1992; 23 CFR Part 1235)

APR 18 1994

Sec. 19-150-10 Display of removable windshield placard and its privileges. (a) The removable windshield placard or temporary removable windshield placard shall be displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror at all times when parking privileges pursuant to Section 19-150-9 are desired. When there is no rearview mirror, the placard shall be displayed on the dashboard. (b) The disabled person operating or being transported in the vehicle being parked or left standing shall carry on his or her person, a current identification card and present it to any enforcement officer upon request. [Eff 12/31/84; am and comp APR 18 1994] (Auth: HRS Sec. 291-54) (Imp: Act 46, HSL 1992; 23 CFR Part 1235)

Sec. 19-150-11 Nontransferability. The removable windshield placard, temporary removable windshield placard, special license plates, and identification card are nontransferable. No person shall park or cause to stand a motor vehicle displaying a placard or special license plates (1) in a parking space reserved for the disabled persons or (2) in order to otherwise receive parking privileges under Section 19-150-9, except a disabled person or an assistant to the disabled person to whom the placard or special license plates were issued. [Eff 12/31/84; am and comp 'APR 18 1994'] (Auth: HRS Sec. 291-53) (Imp: Act 46, HSL 1992; 23 CFR Par 1235)

Sec. 19-150-12 Penalties. Any person who knowingly falsifies an application for a removable windshield placard, temporary removable windshield placard, special license plates, and identification card, or any renewal or replacement thereof, shall be subject to revocation of the placard, special license plates, or identification card. County ordinances shall govern the penalties for the illegal use of parking spaces designated for disabled persons. [Eff 12/31/84; am and comp APR 7 8 1994] (Auth: HRS Sec. 291-53) (Imp: Act 46, HSL 1992; 23 CFR Part 1235)

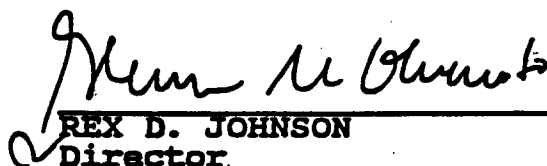
Sec. 19-150-13 Reciprocity. The State of Hawaii shall recognize removable windshield placards, temporary removable windshield placards, and special license plates which have been issued by authorities of other states and countries, for the purpose of identifying vehicles permitted to utilize parking spaces reserved for persons with disabilities. [Eff 12/31/84; am and comp APR 18 1994] (Auth: HRS Sec. 291-56) (Imp: Act 46, HSL 1992; 23 CFR Part 1235)

Sec. 19-150-14 Grandfather clause. The counties may issue new removable windshield placards and special license plates to persons already holding valid county permits who qualify as a "person with a disability" under this chapter without a new medical verification provided permittee pays fees and costs as required by this chapter. [Eff 12/31/84; am and comp APR 18 1994] (Auth: HRS Sec. 291-56) (Imp: Act 46, HSL 1992; 23 CFR Part 1235)

DEPARTMENT OF TRANSPORTATION

Amendments to Chapter 19-150, Hawaii Administrative Rules, were adopted on _____, following public hearings held on October 25 and 26, 1993 on the Island of Hawaii, October 28, 1993 on the Island of Kauai, November 2, 1993 on the Island of Oahu, and November 3, 1993 on the Island of Maui, after public notices were published on September 22, 1993 in the Honolulu Advertiser and Honolulu Star Bulletin. In addition, notices were published on October 17, 1993 in the Hawaii Tribune-Herald (Hilo), West Hawaii Today (Kona), Garden Island News (Kauai), and Maui News (Maui).

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.




REX D. JOHNSON
Director
Department of Transportation

APPROVED AS TO FORM:



Deputy Attorney General



JOHN WAIHEE
Governor
State of Hawaii

Date: APR 07 1994

Filed: APR 07 1994

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